

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

EDWIN K. SLAUGHTER et al.,

Plaintiffs,

vs.

UPONOR, INC. et al.,

Defendants.

2:08-cv-01223-RCJ-GWF

WATERFALL HOMEOWNERS

ASSOCIATION et al.,

Plaintiffs,

vs.

VIEGA, INC. et al.,

Defendants.

2:11-cv-01498-RCJ-GWF

ORDER

As to Case No. 2:08-cv-1223:

IT IS HEREBY ORDERED that the Motion for Leave to File Third Amended Consolidated Class Action Complaint (“TACCAP”) (ECF No. 693) is GRANTED, and the Clerk shall file the TACCAP and attachments thereto (ECF Nos. 693-1, 694–697). Plaintiffs shall submit a hard copy of the TACCAP and attachments thereto to chambers in Reno.

IT IS FURTHER ORDERED that the Motions to Dismiss (ECF Nos. 646, 647, 648, 650, 653) are DENIED as moot without prejudice, but may be re-filed as against the TACCAP.

IT IS FURTHER ORDERED that the Motion to Clarify (ECF No. 702) is GRANTED.

1 Homeowners compelled to arbitration in the consolidated *Greystone*-type cases may not be
2 plaintiffs or class members in the *Slaughter*-type consolidated cases as against parties or third-
3 party beneficiaries to the arbitration agreements, but such homeowners may still have viable
4 *Slaughter*-type claims against parties not protected by those agreements.

5 IT IS FURTHER ORDERED that the Motion to Certify Class (ECF No. 664) is DENIED
6 as moot. Plaintiffs have filed a superseding Amended Motion to Certify Class, responses to
7 which are not yet due.

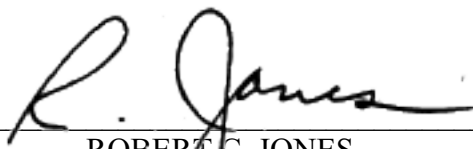
8 **As to Case No. 2:11-cv-1498:**

9 IT IS HEREBY ORDERED that the Motion for Leave to File Amended and Consolidated
10 Class Action Complaint (ECF No. 132) is GRANTED, and the Clerk shall file the ACCAP and
11 attachments thereto (ECF Nos. 132-1 to 132-18). Plaintiffs shall submit a hard copy of the
12 ACCAP and attachments thereto to chambers in Reno.

13 IT IS FURTHER ORDERED that all motions pending in Cases No. 2:12-cv-206 and
14 2:12-cv-207 are DENIED without prejudice. All motions are to be filed in the present lead case
15 only. (*See* Order, ECF No. 131). All dispositive motions shall be directed to the ACCAP.

16 IT IS SO ORDERED.

17 Dated this 11th day of March, 2013.

18
19 
20 ROBERT C. JONES
21 United States District Judge
22
23
24
25